

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
BOARD OF STATE AND COMMUNITY CORRECTIONS**

**REGARDING THE MINIMUM STANDARDS FOR JUVENILE FACILITIES
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 13, ARTICLE 2 AND
PART 2, SECTION 1230**

**MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LOCAL JUVENILE
DETENTION FACILITIES**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Board of State and Community Corrections (BSCC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1, Chapter 13, Article 2 and Part 2, Section 1230. The BSCC is proposing building standards related to BSCC.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from November 9, 2012, until 5:00 pm on December 24, 2012. Please address your comments to:

Allison Ganter, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
allison.ganter@bscc.ca.gov

Comments may also be forwarded to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director
Fax (916) 263-0959 or E-mail CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the BSCC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the BSCC adopts, amends, or repeals the regulation(s). The BSCC will accept written comments on the modified building standards during the 15-day period. Comments should be addressed to the above-noted Field Representative.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Welfare and Institutions Code Sections 210 and 885. The BSCC is proposing this regulatory action based on Welfare and Institutions Code Sections 210 and 885.

INFORMATIVE DIGEST

Summary of Existing Laws

Sections 210 and 885 of the Welfare and Institutions Code authorize the Corrections Standards Authority to establish building standards for local juvenile detention facilities.

Summary of Existing Regulations

Existing building standards that prescribe requirements for building design and construction of local detention facilities are promulgated by the Board of State and Community Corrections. These regulations are contained in Title 24, Part 1, Chapter 13, Article 2 and Title 24, Part 2, Volume 1.

Summary of Effect

The proposed action would update Title 24 Parts 1 and 2 and replace "Corrections Standards Authority" with "Board of State and Community Corrections," reflecting legislative change. Nonsubstantive grammatical corrections are made throughout, and definitions have been added, deleted or modified to provide clarity and consistency.

Several terms throughout the regulations have been replaced or deleted to reflect current and more appropriate language. For instance, the terms "minor" and "child" have been replaced with "youth." Other revisions include aligning regulation with current statutory requirements and updating regulations to reflect evidence-based and best juvenile detention and juvenile justice practices.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations for local juvenile detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of incarcerated minors. Proposed revisions reflect current best practices in juvenile justice and detention and are intended to enhance the quality of juvenile detention facilities throughout the state. Specific benefits include clear and detailed regulations that will provide facility administrators and partners in facility design and construction with guidance to protect the health and safety of residents and staff of such facilities. Proposed revisions will continue to provide improvements to local juvenile detention facilities, ultimately ensuring the public's health and safety.

The proposed regulation revisions are not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The BSCC has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The BSCC concludes that it is unlikely that adoption of these regulations will (1) create or eliminate jobs within California, (2) create new businesses, (3) eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action:

These regulations will benefit the residents and staff of juvenile detention facilities, by providing clear guidance related to the design and construction of such facilities. Proposed revisions reflect current best practices intended to improve operations. Ensuring safe, secure and humane juvenile detention facilities will continue to benefit the health, safety and welfare of California's residents.

Cost impacts on a representative private person or businesses: The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business report: These regulations do not require a report to be made; they do not apply to businesses.

Small Business Determination:

The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs for Juvenile Detention Facilities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more-cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The BSCC invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Allison E. Ganter, Field Representative
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073
allison.ganter@bscc.ca.gov

Toni Gardner
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073
toni.gardner@bscc.ca.gov

Questions on the substance of the proposed regulation may be directed to Ms. Ganter or Ms. Gardner.

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Allison Ganter at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address.

AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the BSCC adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.